

Re: BWS v. Arshee et al - 21-cv-4402 (BMC) - Discovery and Depositions

Paul Tomkins <ptomkins@brainwavescience.com>

Mon 4/25/2022 6:46 PM

To: 'brainwave@larryfarwell.com' <brainwave@larryfarwell.com>

 2 attachments (277 KB)

Fed Discovery - L. Farwell.pdf; Fed Discovery - Supp -- Farwell.pdf;

Dr. Farwell,

Plaintiff's Disclosures have been prepared and will be provided to all parties via a drop box link by EOD.

Your former counsel's motion to withdraw was granted on February 24, 2022. Thereafter, having received no response to my numerous (10+) communications with your former counsel (including several telephone calls to "meet and confer"), Plaintiff filed a letter motion to compel discovery on February 27, 2022 (ECF 35). Plaintiff's February 27, 2022 letter motion advised that "To date, Plaintiff has received no documents in response to its October 19, 2021 disclosure requests and has not been provided with dates for depositions of Defendants."

The Court Rules do not permit the parties to extend the period(s) for discovery without an application to the Court for same -- even in cases where the parties stipulate to the extension. I will hold off until EOD Friday (April 29) on making any discovery-related motions to the Court. If you require additional time, I would suggest you move the for same by letter to the Magistrate. Plaintiff will not object to an application for a reasonable extension of time. Again, I am not allowed to stipulate to this, but can only advise I will not object to same.

Finally, as we discussed at the close of today's deposition, Plaintiff is requesting additional information/documents which were referenced by you during today's deposition. Please see paragraphs 1-5 of the attached Supplemenal Request.

Paul Tomkins

Paul F. Tomkins
Corporate Counsel



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Attorney Admissions: The author of this email is admitted to the New York State Supreme Court, Appellate Division (Reg. 4195632), United States Tax Court (Bar No. TP0171) and the United States Federal District Court (NDNY, Bar Roll No. 513006).

From: Dr. Larry Farwell <brainwave@larryfarwell.com>
Sent: Sunday, April 24, 2022 11:19 PM
To: Paul Tomkins <ptomkins@brainwavescience.com>
Subject: RE: BWS v. Arshee et al - 21-cv-4402 (BMC) - Discovery and Depositions

Mr. Tomkins:

My understanding from my attorney at the time, Joe Carbonaro, is that

1. He provided you with all of the information specified in your demands – I know that I provided all of it to him -- and
2. He also served discovery demands to Plaintiff to which Plaintiff has not responded.

I have emailed Mr. Carbonaro seeking clarification on both of these issues.

Given that this is the first I have heard that you claim there is something lacking in my response to your discovery demands, and I have received nothing from you in response to ours, and tomorrow is the deadline, it appears that we will need to make further arrangements.

I respectfully suggest we work out an arrangement that works for both sides, rather than getting histrionic with the judge.

Sincerely,

Dr. Lawrence A. Farwell



Dr. Larry Farwell
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<https://farwellbrainfingerprinting.com>
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Phone (+1) 206-905-1009
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From: Paul Tomkins <ptomkins@brainwavescience.com>
Sent: Sunday, April 24, 2022 9:54 AM
To: Dr. Larry Farwell <brainwave@larryfarwell.com>
Subject: Fw: BWS v. Arshee et al - 21-cv-4402 (BMC) - Discovery and Depositions

Dr. Farwell,

I am writing in follow-up to your email of 9:40 PM on April 22, 2022 wherein you advise that you have provided all documents requested in discovery.

Attached please find copies of Plaintiff's disclosure demands served upon yourself and your co-defendants, including Brain Fingerprinting Foundation, on October 19, 2021 by email and US Mail.

The attached were particularly referenced and included with Plaintiff's Motion to Compel Discovery (ECF 35). To date, Plaintiff has not received responses to the attached.

Paul Tomkins

Paul F. Tomkins
Corporate Counsel



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From: Paul Tomkins <ptomkins@brainwavescience.com>

Sent: Tuesday, October 19, 2021 4:20 PM

To: joe@jcarbonarolaw.com <joe@jcarbonarolaw.com>

Subject: BWS v. Arshee et al - 21-cv-4402 (BMC) - Discovery and Depositions

Joe,

Attached hereto please find electronic copies of Plaintiff's Notices of Deposition for Lawrence A. Farwell and Thierry A. Maison. The deposition dates and times were set as a "placeholder". We can discuss alternate dates, location(s) and methods for conducting depositions once your clients provide proposed dates.

Also attached please find electronic copies of Plaintiff's First Request for Production of Documents for Lawrence A. Farwell, Thierry A. Maison and Brain Fingerprinting Foundation.

Paul

Paul F. Tomkins
Corporate Counsel



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